

10. (TWICE AMENDED) A patch comprising:

a hydrogel comprising a first surface and an opposing surface;
a releasable layer adhered to the hydrogel;
a foam pad [comprising cells, the pad] comprising a top surface and a bottom surface
wherein the bottom surface of the pad is affixed to the hydrogel; and
a vapor emitting material positioned in [received by the cells of] the foam pad.

REMARKS

Rejection Under 35 USC Sec. 112

The Examiner objected to the claim structure of claims 1, 5, 10, 11, 24-25, 29, 38, 40-41. The Applicant has amended claims 1 and 5 to address the Examiner's concerns and to further describe the "cellular portion." The Examiner has commented that "cellular structure" is unclear. The Applicant has amended the claims to better describe what is meant by "cellular." Support for the amendment comes from page 6, lines 9-15. A cell is the smallest structural unit of a foamed polyolefin. This is in conformance with what is understood by those skilled in the art and by dictionary definitions of "cellular."

It is believed that the amendment addresses the Examiner's grounds for rejection. It is respectfully requested that the Examiner reconsider and withdraw the rejection.

Rejection Under 35 USC Sec. 103

The Examiner has rejected the claims 1, 3-8, 10-14, 17-31, 38-41 in light of Cronk et al., Crotty and Berthold et al. None of these references describes a device with a hydrogel base. None of the devices describes a cellular portion, comprising a foamed polyolefin, contacting the base portion, the cellular portion comprising a vapor emitting portion; and a vapor emitting